

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
Civil Action No. 7:23-cv-00292-M

TYRANCE DREQUAN BENBOW,
BECKY LEE LaSALLE, individually, [and] as
heir to TYRANCE DREQUAN BENBOW
and as representative of the Estate of
Tyrance Drequan Benbow, deceased,

Plaintiffs,

v.

SHERIFF JOHN W. INGRAM V, jointly and
severally liable in his individual and official
capacity as the Sheriff of the Brunswick County
North Carolina, Sheriff's Office; JOSH DAVIES,
jointly and severally liable in his individual and
official capacity as Sergeant of the BCSO Drug
Enforcement Unit; KEITH E. BOWLING, jointly
and severally liable in his individual capacity as a
Deputy Sheriff for the Brunswick County Sheriff's
Office; ALEXANDER MELVIN, jointly and
severally liable in his individual capacity as a
Deputy Sheriff for the Brunswick County Sheriff's
Office; JOHNNIE BENTON, jointly and severally
Liable in his individual capacity as a Deputy
Sheriff for the Brunswick County Sheriff's Office,
and MARK HEWETT, jointly and severally liable
in his individual and official capacity as the
Fire Chief for Civietown Volunteer Fire and Rescue
Department, and JOHN DOES I-X, inclusive,

Defendants.

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) **PARTIAL MOTION**
) **TO DISMISS AMENDED**
) **COMPLAINT BY**
) **DEFENDANTS SHERIFF**
) **JOHN W. INGRAM,**
) **JOSH DAVIES,**
) **KEITH E. BOWLING,**
) **ALEXANDER MELVIN,**
) **and JOHNNIE BENTON**

NOW COME defendants John W. Ingram, Josh Davies, Keith E. Bowling,
Alexander Melvin, and Johnnie Benton, by and through counsel, and, pursuant to
Rule 12(b)(6) of the Federal Rules of Civil Procedure, move to dismiss the following

claims for failure to state a claim: Counts IV, V, and VIII in the plaintiff's Complaint and all official-capacity claims against defendant Davies. The reasons for this motion are set out in the moving defendants' Memorandum of Law, which is filed contemporaneously with this motion.

Respectfully submitted, this 20th day of November, 2023.

/s/ Christopher J. Geis
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*Attorneys for Defendants Ingram,
Davies, Bowling, Melvin, and Benton*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he is an attorney at law licensed to practice in the State of North Carolina, is attorney for defendants Ingram, Davies, Bowling, Melvin, and Benton in this matter, and is a person of such age and discretion as to be competent to serve process.

I hereby certify that on November 20, 2023, I electronically filed the foregoing **PARTIAL MOTION TO DISMISS AMENDED COMPLAINT BY DEFENDANTS JOHN W. INGRAM, JOSH DAVIES, KEITH E. BOWLING, ALEXANDER MELVIN, AND JOHNNIE BENTON** with the Clerk of Court using the CM/ECF system which will also send an email notification to the following:

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